## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAYMOND DAKIM HARRIS		
JOINER,	)	
	)	
Petitioner,	)	
	)	
V.	)	1:14CV467
	)	
STATE OF NORTH CAROLINA,	)	
	)	
Respondent.	)	

## ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on June 12, 2014, was served on the parties in this action. Plaintiff filed Objections to the Magistrate Judge's Recommendation within the time limits prescribed by 28 U.S.C. § 636. [Doc. # 4]. The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed, but then dismissed sua sponte without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal

concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 25<sup>th</sup> day of August, 2016.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge

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